

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.14964 of 2014**

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1. Smt. Kaushalya Devi wife of Shri Kartik Rai, resident of Mohalla- Shivpuri,  
Police Station and District- Saharsa

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Secretary (Home), Jail Department, Govt. of Bihar, Main Secretariat, Patna
2. Inspector General of Prison, Jail Department, Govt. of Bihar, Main Secretariat, Patna
3. Superintendent, Central Jail, Bhagalpur
4. Superintendent, District Jail, Saharsa

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate  
For the Respondent/s : Mr. Bijay Bhushan Pd., AC to SC 13

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**Date:** 06-10-2018

Heard counsel for the petitioner as well as respondent State.

The petitioner's claim for regularization has been considered by the Inspector General of Prison, Bihar Patna (for short 'IG) and rejected by order dated 31.07.2012 bearing memo no. 3430. The consideration has been made in light of the order dated 04.07.2011 passed on petitioner's earlier writ petitioner bearing C.W.J.C. No. 6776 of 2008 whereby and where under this Court has directed that claim for regularization may be considered in light of the directions of the Hon'ble Apex Court in the case of **Secretary, State of Karnataka & Ors. vs. Uma Devi & Ors.** reported in (2006) 4 SCC 1. The



respondents have considered the petitioner’s claim. They have found the petitioner was engaged on daily wages without any advertisement and against the post which was not sanctioned and for non-availability of any appointment letter, the petitioner’s claim was found not worthy of consideration. The aforesaid facts have specifically been stated in the counter affidavit.

There is no rejoinder denying or disputing the aforesaid allegations. However, counsel for the petitioner submits that at earlier point of time, the respondent IG Prison had considered the petitioner’s claim for payment of arrears of salary wherein stand has been taken regarding regularization of the petitioner.

The direction dated 04.07.2011 was issued for considering the claim for regularization as per the direction of Hon'ble Apex Court in the case of **Uma Devi** (supra), which has been done under the order dated 31.07.2012. This Court does not find any reason to interfere with the order impugned. The writ petition is devoid of merit and the same is dismissed.

**(Madhuresh Prasad, J)**

Prakash/-

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